

International Aircraft Recovery, L.L.C. v. Unidentified, Wrecked & Abandoned Aircraft, [218 F.3d 1255 \(11th Cir. 2000\)](#), *cert. denied*, 531 U.S. 1144 (2001).

Location: International waters – Atlantic Ocean

Applicable Laws: [Admiralty Law](#) (Law of Salvage)
[Sunken Military Craft Act](#) (SMCA was not enacted at the time of this decision, but would have supported it) ([10 U.S.C. §§ 113 et seq.](#))

Where Laws Apply: *Admiralty Law:* The U.S. government may use ownership claims of sunken military craft to prevent salvage of sunken military craft, even in international waters.

Sunken Military Craft Act: Applies to sunken U.S. military ships and aircraft worldwide and sunken foreign craft in U.S. waters, including the internal waters, territorial sea, and contiguous zone (up to 24 nautical miles off the U.S. coast). This decision supported the enactment and jurisdiction of the SMCA.

Overview:

A Navy "Devastator" TBD-1 torpedo bomber crashed off the Florida coast during a training flight in 1943. The plane's location was sold to appellee, International Aircraft Recovery, L.L.C. (IAR), who conducted two brief salvage operations. Appellee filed two *in rem* actions after unsuccessful ownership or compensation negotiations with the Navy. The district court upheld the right of appellee to salvage the wreck, over the objection of the U.S. government (appellant).

The U.S. filed an appeal from the order entered in the United States District Court for the Southern District of Florida upholding the right of appellee to salvage the Navy torpedo bomber. On appeal, the U.S. argued that it was the owner of the crashed TBD-1, and that as such, it could reject salvage efforts by third parties

On appeal, the U.S. Court of Appeals for the Eleventh Circuit for the Southern District of Florida, applied the law of salvage. The Court of Appeals held that the U.S. government, as owner of the aircraft, could prohibit salvage efforts and the salvage company had no right to continue salvage operations over the express objections of the aircraft's owner. However, depending on when the U.S. rejected salvage efforts, the salvage company could potentially be eligible for a salvage award for past efforts. The case was remanded to the District Court on the salvage award issue.